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4 *Counsel for Defendant Vicente Ascencio*  
5

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,  
9  
Plaintiff,

2:11-cr-00396-MMD-PAL-4

10 -vs-

11 VICENTE ASCENCIO (4),  
12 Defendant.  
13

14 **DEFENDANT VICENTE ASCENCIO'S UNOPPOSED MOTION TO CONDUCT A**  
15 **PRE-PLEA, PRE- SENTENCE INVESTIGATION REPORT AND PROPOSED ORDER**  
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17 COMES NOW the Defendant, VICENTE ASCENSIO, by and through his attorney,  
18 TERRENCE M. JACKSON, ESQ., and moves this Honorable Court to request a Pre-Plea  
19 Pre-Sentence Investigation Report be prepared by the Probation Department to determine  
20 the Defendant's criminal history.

21 1. The Defendant is charged with conspiracy to possess methamphetamine with  
22 intent to distribute and possession of methamphetamine with intent to distribute; 21 U.S.C.  
23 §846, 841(a)(1) and (b)(1)(A)(viii) and 21 U.S.C. §841(a)(1) and (b)(1)(B)(viii).

24 2. The Defendant is unsure of his prior convictions and believes that his  
25 criminal history could be anywhere from a level 5 to a level 6. He is uncertain whether  
26 he is facing career criminal status.

27 3. The disparity in a potential sentence between these criminal history levels is  
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1 substantial, and what possible sentence the Defendant may face will strongly influence  
2 whether or not he accepts a plea negotiation in this case.

3       **4.**       Undersigned counsel therefore respectfully requests an Order that the  
4 Department of Probation conduct a pre-plea pre-sentence investigation report to determine  
5 the Defendant's criminal history category as soon as possible, including whether Probation  
6 believes he is a career criminal.

7       **5.**       Undersigned counsel has spoken to the prosecutor, Assistant United States  
8 Attorney Cristina D. Silva on September 26, 2012, and she has no opposition to this  
9 request if it does not delay the trial date or the date for acceptance of the plea offer, but  
10 will not oppose a reasonable continuance of the trial if necessary in the interests of justice.

11  
12               RESPECTFULLY SUBMITTED, this 27th day of September, 2012.

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14                               /s/ Terrence M. Jackson  
15                               TERRENCE M. JACKSON, ESQ.  
16                               Counsel for Defendant, Vicente Ascencio  
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**ELECTRONIC CERTIFICATE OF SERVICE**

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The undersigned hereby certifies that she is an assistant in the office of Terrence M. Jackson, Esquire, and is a person of such age and discretion as to be competent to serve papers and that on this date, September 27th, 2012, she served an electronic copy of the attached DEFENDANT VICENTE ASCENCIO'S UNOPPOSED MOTION TO CONDUCT A PRE-PLEA PRE-SENTENCE INVESTIGATION REPORT AND PROPOSED ORDER by electronic service (ECF) to the attorney(s) of record:

DANIEL G. BOGDEN  
United States Attorney  
CRISTINA D. SILVA  
Assistant United States Attorney  
Lloyd D. George U.S. Courthouse  
333 Las Vegas Blvd. South, Ste. 5000  
Las Vegas, Nevada 89101  
Tel: (702) 388-6336  
Fax: (702) 388-6418

Dated: September 27th, 2012

/s/ Ila C. Wills  
Legal Assistant for  
Terrence M. Jackson, Esq.

...

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7 *Counsel for Defendant Vicente Ascencio*

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9  
10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 UNITED STATES OF AMERICA,  
13  
14 Plaintiff,

2:11-cr-00396-MMD-PAL-4

15 -vs-

**ORDER**

16 VICENTE ASCENCIO (4),  
17  
18 Defendant.

19  
20 **IT IS HEREBY ORDERED** that the Probation Department will prepare a  
21 Pre-Sentence Investigation Report of the Defendant Vicente Ascencio, and make it available  
22 to counsel on or before October 15th, 2012.

23  
24 **DATED** this 26 day of October, 2012.

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UNITED STATES DISTRICT JUDGE